

Application Serial No. 10/687,888
Amendment dated March 29, 2005
Reply to Office Action dated August 17, 2004

REMARKS

Claims 1-10 are pending in the present application. Claims 1-10 have been rejected. In view of the discussion below of the cited prior art, it is believed the present application, including claims 1-10, is in condition for allowance.

Inventorship

The Examiner states that the Applicants are required to file a statement requesting the deletion of the name of the inventor Robert G. Sokalski, as required under 37 C.F.R. § 1.63(d)(2). Applicants had previously had the Filing Receipt corrected to list only Daniel Keith Amonett and Donald Eugene Smith as inventors on the present application, in view of the fact that Applicants had filed the Declaration from the parent application, which listed Robert G. Sokalski, but at that time had also filed a statement on the transmittal that the present invention contained fewer inventors than listed in the Oath or Declaration. The Examiner now suggests that such a statement that there are fewer inventors is not a statement requesting the deletion of a particular inventor, as is required by 37 C.F.R. § 1.63(d)(2). In response, Applicants submit herewith a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a) in order to remove Robert G. Sokalski as a named inventor.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1, 2, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Müller (U.S. Patent No. 4,426,158) in further view

Application Serial No. 10/687,888
Amendment dated March 29, 2005
Reply to Office Action dated August 17, 2004

of Schwartz (U.S. Patent No. 5,210,722). The Examiner states that Müller teaches every aspect of the claimed invention except a single (one and only one) connection of a gear and/or gearshaft through the stator plate. However, Examiner states that Schwartz teaches a single connection through the stator plate of geartrains above and below the stator plate to allow for space consolidation of the geartrain and allowing more space for a battery. The Examiner therefore suggests that it would have been obvious to a person of ordinary in the art at the time of the invention to construct the motor of Müller with only one connection through the stator plate, as taught by Schwartz. Applicants respectfully disagree.

As an initial matter, Applicants agree with the Examiner that Müller does not disclose a two-piece single connection of the geartrain through a stator plate. As can be seen from Fig. 2B of Müller, the geartrain therein includes a wheel 46 including a spindle 44 that is disposed through a bore 40 in the stator 2. However, Müller also includes spindle 18 and wheel 20, which form a second connection through the stator plate.

Further, Applicants disagree that Schwartz discloses this missing claim limitation. More specifically, Applicants submit that Schwartz does not disclose a two-piece single connection of a geartrain through a stator plate. As can be seen from Fig. 1 of Schwartz, the geartrain therein includes a nonmagnetic intermediate wheel assembly 23, which is disposed proximal to a bore in the stator 9. However, this wheel

Application Serial No. 10/687,888
Amendment dated March 29, 2005
Reply to Office Action dated August 17, 2004

assembly 23 is journaled to a top central wall 2 disposed through the bore in the stator 9. Thus, Schwartz does not show a geartrain disposed on both sides of the stator, with a gear or shaft on one side, and a gear and/or shaft on the other side, forming a single connection through the stator plate. Schwartz only describes a gear wheel and a wall forming a connection through the stator.

Thus, Schwartz does not form a "connection of said geartrain through said stator plate" as is recited by claim 1 of the present application. As can be seen in the Figures of the present application, and particularly Figs. 2A and 2B, a shaft 74 of gear 76 extends through a hole in the stator plate and is engaged by a gear 80 on the other side of the stator plate, thereby forming the connection of the geartrain through the stator plate. In other words, the gears and shafts are connected to one another through the stator plate, as recited in the present claims. Schwartz does not disclose such a connection. In Schwartz, a gear is journaled into a central wall through the stator plate. The gear is not connected to another gear through the stator plate. Thus, Applicants submit that no combination of Müller and Schwartz can show a two-piece single connection of a geartrain through a stator plate, as is recited in independent claim 1 of the present invention. Thus, Applicants submit that claim 1 is not rendered obvious by Müller in view of Schwartz, and therefore respectfully request a withdrawal of the rejection of claim 1 as obvious over Müller in view of Schwartz. Applicants further submit that each of claims 2, 9, and 10 ultimately depend from claim

Application Serial No. 10/687,888
Amendment dated March 29, 2005
Reply to Office Action dated August 17, 2004

1. Since claim 1 is not rendered obvious by Müller in combination with Schwartz, Applicants respectfully submit that neither are dependent claims 2, 9, and 10 rendered obvious by Müller in view of Schwartz, and respectfully request a withdrawal of the rejection of claims 2, 9, and 10.

The Examiner has rejected claims 3-5 under 35 U.S.C. § 103(a) as being unpatentable over Müller and Schwartz in further view of Horbach (U.S. Patent No. 3,215,964).

In order to establish a prima facie case of obviousness, the Examiner must show that the cited references, as combined, teach or suggest each of the elements of the claims. Claims 3-5 each ultimately depend from independent claim 1, and thus incorporate the limitations of that claim. At least for the reasons discussed above, the combination of Müller and Schwartz does not teach or suggest each and every element of claim 1. Further, it is submitted that Horbach fails to teach the elements of claim 1 that are missing from Müller and Schwartz. More specifically, Applicants submit that, like Müller and Schwartz, Horbach does not teach or suggest a geartrain including meshing gears and gearshafts on both opposite sides of the stator plate with "at least one gear and/or gearshaft comprising at least two pieces adapted to engage one another to form a single connection of said geartrain through said stator plate," as presently recited in claim 1. Thus, regardless of whether one skilled in the art would be motivated to combine the teachings of the three references, it is submitted that

Application Serial No. 10/687,888
Amendment dated March 29, 2005
Reply to Office Action dated August 17, 2004

any combination of Müller, Schwartz, and Horbach does not show each and every element of claims 3-5, as those claims are ultimately dependent on claim 1.

Accordingly, withdrawal of the obviousness rejection of claims 3-5 is requested.

The Examiner has also rejected claims 6-8 under 35 U.S.C.

§ 103(a) as being unpatentable over the combination of Müller and Schwartz in further view of Plancon (U.S. Patent No. 4,888,507).

In order to establish a prima facie case of obviousness, the Examiner must show that the cited references, as combined, teach or suggest each of the elements of the claims. Claims 6-8 each ultimately depend from independent claim 1, and thus incorporate the limitations of that claim. At least for the reasons discussed above, the combination of Müller and Schwartz does not teach or suggest each and every element of claim 1. Further, it is submitted that Plancon fails to teach the elements of claim 1 that are missing from Müller and Schwartz. More specifically, Applicants submit that, like Müller and Schwartz, Plancon does not teach or suggest a geartrain including meshing gears and gearshafts on both opposite sides of the stator plate with "at least one gear and/or gearshaft comprising at least two pieces adapted to engage one another to form a single connection of said geartrain through said stator plate," as presently recited in claim 1. Thus, regardless of whether one skilled in the art would be motivated to combine the teachings of the three references, it is submitted that any combination of Müller, Schwartz, and Plancon does not show each and every

Application Serial No. 10/687,888
Amendment dated March 29, 2005
Reply to Office Action dated August 17, 2004

element of claims 6-8, as those claims are ultimately dependent on claim 1.

Accordingly, withdrawal of the obviousness rejection of claims 6-8 is requested.

Conclusion

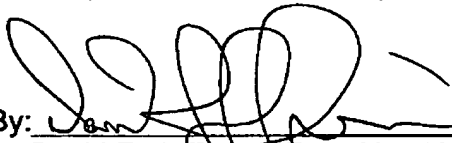
For the foregoing reasons, it is submitted that this application is now in condition for allowance.

It is believed that no fee is due with this submission. If any additional fee or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 
David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)
djefferies@whepatent.com (e-mail)